

) Criminal No. 8:13-CR-406(MAD)  
 )  
 ) **Indictment**  
 )  
 ) Violations: 21 U.S.C. § 846 [Conspiracy];  
 ) 21 U.S.C. § 841(a)(1) [Possession with Intent  
 ) to Distribute]; 18 U.S.C. § 2(a) [Aiding and  
 ) Abetting]  
 )  
 ) 2 Counts and Forfeiture Allegation  
 )  
 ) Counties of Offense: Franklin and Ulster  
 )  
 )  
 )  
 )  
 )  
 )  
 )  
 )

**LEE SMITH,  
aka "Preacher," and "Rev,"  
ARCHIE RAFTER,  
STACIE DEMERS,  
ANDREW SCHUEPPEL,  
aka "Mudhen," and "the Kid,"  
RALPH DUMAS,  
aka "Sonny,"  
ROBERT SWARTENBURG,  
aka "Fred," and**

**JAMES MCLERNON**

and others, known and unknown, conspired to knowingly and intentionally possess with intent to distribute and to distribute a controlled substance, in violation of Title 21, United States Code, Sections 841(a)(1) and 846. That violation involved 1,000 kilograms or more of a mixture and substance containing a detectable amount of marijuana, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A).

**COUNT 2**

**[Possession with Intent to Distribute a Controlled Substance]**

On or about June 19, 2013, in Ulster County in the Northern District of New York, defendants

**ROBERT SWARTENBURG,  
aka "Fred," and  
JAMES MCLERNON**

knowingly and intentionally possessed with intent to distribute a controlled substance, in violation of Title 21, United States Code, Section 841(a)(1). That violation involved marijuana, a schedule I controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(D).

On or about June 14, 2013 to on or about June 19, 2013, in Franklin County in the Northern District of New York, defendants

**ARCHIE RAFTER and  
STACIE DEMERS**

aided, abetted, counseled, commanded, induced, and procured the commission of the above offense, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(D) and 18 U.S.C. § 2(a).

**FORFEITURE ALLEGATION**

1. The allegations contained in Counts 1 and 2 of this Indictment are hereby realleged and incorporated by reference for the purpose of alleging forfeiture pursuant to Title 21, United States Code, Section 853.

2. Pursuant to Title 21, United States Code, Section 853, upon conviction of an offense in violation of Title 21, United States Code, Section 841 and 846 the defendants, **LEE SMITH, aka "Preacher," and "Rev," ARCHIE RAFTER, STACIE DEMERS, ANDREW SCHUEPPEL, aka "Mudhen," and "the Kid," RALPH DUMAS, aka "Sonny," ROBERT SWARTENBURG, aka "Fred," and JAMES MCLERNON,** shall each forfeit to the United States, any property constituting, or derived from, any proceeds obtained, directly or indirectly, as a result of said offenses and any property used, or intended to be used, in any manner or part, to commit, or to facilitate the commission of the violations alleged in Counts 1 and 2 of this Indictment.

3. The property to be forfeited includes, but is not limited to the following:

**Real Property**

- A. Commonly known as 863 County Route 40, in the Town of Westville, New York, Tax Map ID: 9.-2-5;
- B. Commonly known as 893 County Route 40, in the Town of Constable, New York, Tax Map ID: 9.-1-10;
- C. Commonly known as County Route 40, in the Town of Westville, New York, Tax Map ID: 9.-2-6;
- D. Commonly known as 895 County Route 40, in the Town of Constable, New York, Tax Map ID: 9.-1-1; and
- E. Commonly known as Sulphur Spring Road, in the Town of Constable, New York, Tax Map ID: 9.-1-2.

**Vehicles**

- A. A 2011 Subaru Legacy, VIN # 4S3BMAA65B1213500, New York License Plate FHC-9853.

**Currency**

- A. \$2,289.00 seized on June 19, 2013.

**Substitute Assets**

If any of the property described above as being subject to forfeiture, as a result of any act or omission of the defendants:

- (a) cannot be located upon the exercise of due diligence;
- (b) has been transferred or sold to, or deposited with, a third party;
- (c) has been placed beyond the jurisdiction of the court;
- (d) has been substantially diminished in value; or
- (e) has been commingled with other property which cannot be divided without difficulty,

it is the intention of the United States, pursuant to Title 21, United States Code, Section 853(p), to seek forfeiture of any other property of the defendant up to the value of the forfeiture judgment.

Dated: October 23, 2013

RICHARD S. HARTUNIAN  
United States Attorney

A TRUE BILL,

By: \_\_\_\_\_

Daniel C. Gardner  
Assistant United States Attorney  
Bar Roll No. 515333

\_\_\_\_\_  
Grand Jury Foreperson